

IN RE: PETITION FOR RESIDENTIAL
ZONING VARIANCE
W/S Hidden Trail Drive 1650 ft.
E of c/l of Shaded Brook Drive
11107 Hidden Trail Drive
3rd Election District
3rd Councilmanic District

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-517-A

Valleybrook Limited Partnership
Legal Owner
Robert Levin, Contract Purchaser
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1A04.3B.3 to permit a side yard setback of 46 feet on each side in lieu of the required 50 feet, and to amend the last approved final development plan of Valleybrook Section 2 of Baltimore County, Liber 56 Folio 30, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioner having filed a Petition for a Residential Variance, the subject property, known as 11107 Hidden Trail Drive, zoned R.C. 5 which is a vacant lot proposed to be developed with a new single family home which is too wide to comply with the side yard setback requirements as set forth in the Baltimore County Zoning Regulations (B.C.Z.R.). The Petitioner's request was required to go to public hearing because the property is currently unimproved and not occupied by the owner as required by Section 22-26 of the Baltimore County Code.

The Petitioner has filed the supporting affidavits, as required by Section 22-26 (b) (1) of the Baltimore County Code. A public hearing was

conducted on August 9, 1990 at which time the Petitioner and the Petitioner's developer appeared. Additional evidence was presented by both witnesses in support of the affidavits previously filed in this matter.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

In the opinion of the Zoning Commissioner, it is established that the evidence and affidavits provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of August, 1990 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 307.1 of the B.C.Z.R., to variance Section 1A04.3B.3 to permit a side yard setback of 46 feet on each side in lieu of the required 50 feet and to amend the last approved final development plan of Valleybrook Sec-

tion 2 of Baltimore County, Liber 56 Folio 30, as more particularly described on Petitioners' Exhibit No. 1, in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent the relief granted herein:

1. The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.

2. Upon request and reasonable notice, the Petitioner shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

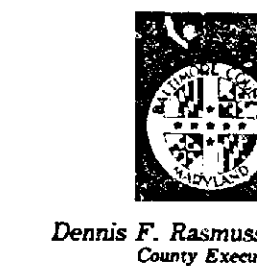
J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmm
cc: Peoples Counsel

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

August 10, 1990



Mr. Robert Levin
3807 Thoroughbred Lane
Owings Mills, Maryland 21117

RE: Petition for Residential Zoning Variance
Case No. 90-517-A

Dear Mr. Levin:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,
J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmm
encl.
cc: Peoples Counsel
cc: Mr. Allan Ackerman, Treasurer
Valleybrook Limited Partnership
1 Reservoir Circle, Suite 100
Baltimore, Maryland 21208

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1A04.3B.3 to permit a side yard setback of 46' on each side in lieu of the required 50' and to amend the last approved final development plan of

Valley Brook Section 2 of Baltimore County, Liber 56 Folio 30, of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

- (i) The building envelope is narrow and will not accommodate a 68' wide home which would be similar in width to the other homes on this street.
- (ii) Hardship is not the result of this action.
- (iii) A lesser relaxation applied would not help this lot.
- (iv) Public safety and welfare would not change.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

Mr. Robert Levin

(Type or Print Name)

Signature

3807 Thoroughbred Lane

Owings Mills, MD 21117

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

Valleybrook Limited Partnership

(Type or Print Name)

Signature

Allan Ackerman - 880/TREAS.

(Type or Print Name)

Signature

One Reservoir Circle, (301) 486-1366

Address

Baltimore, MD 21208

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Mr. Robert Levin

3807 Thoroughbred Lane

Owings Mills, MD 21117 (301) 356-5214

Address

City/State/Zip Code

By: *J. Robert Haines*

ZONING COMMISSIONER OF BALTIMORE COUNTY

ZONING DESCRIPTION

Located on the west side of Hidden Trail Drive approximately 1600' southeast of Shaded Brook Drive and known as lot # 25 of Valleybrook Section 2 as recorded in land records of Baltimore County in Liber 56 Folio 30 and consisting of 1.468 acres. Also known as 11107 Hidden Trail Drive in the 3rd election district.

90-517-A

CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: July 17, 1990
Posted for: Variance
Petitioner: Valleybrook Limited Partnership
Location of property: W/S Hidden Trail Drive, 1650 ft. E of c/l of Shaded Brook Drive, 11107 Hidden Trail Drive
Location of Sign: West side of Hidden Trail Drive in front of subject property
Remarks: _____
Posted by: S. J. Gruber Date of return: July 20, 1990
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Account: R-001-6150
Number: N: 2528

Date: 5/17/90 H9000407
PUBLIC HEARING FEES QTY PRICE
010 - ZONING VARIANCE (1RL) 1 X \$35.00
030 - POSTING SIGNS - 1X \$25.00
TOTAL: \$60.00
LAST NAME OF OWNER: VALLEYBROOK LTD

B 8032*****6020:3 316:F
Please make checks payable to: Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 23, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 19, 1990

THE JEFFERSONIAN,

S. Zeke Orlan
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property located in Room 108 of the County Office Building, 111 West Chesapeake Avenue in Towson, Maryland 21204 at 2:00 p.m. on August 8, 1990 at 2:00 p.m. Variance to permit a side yard setback of 46' on each side in lieu of the required 50' and to amend the last approved final development plan of Valley Brook Section 2. In the event that this Petition is granted a building permit may be issued within the 30 day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during the appeal period for good cause shown. Such request must be in writing and received in the office by the date of the hearing or before or presented at the hearing.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County
JJO 7/20/90 July 19

CERTIFICATE OF PUBLICATION

TOWSON, MD., July 23, 1990

THIS IS TO CERTIFY, that the annexed advertisement was published in OWINGS MILLS TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on July 19, 1990

OWINGS MILLS TIMES,

S. Zeke Orlan
Publisher

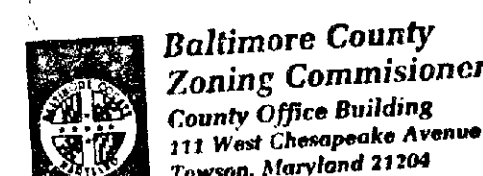
NOTICE OF HEARING
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J. ROBERT HAINES
Zoning Commissioner of Baltimore County
JJO 7/20/90 July 19

PO 106178

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 3rd Date of Posting: May 30, 1990
Posted for: Variance
Petitioner: Valleybrook Limited Partnership
Location of property: W/S of Hidden Trail Drive, 1650' E of the
Ch. of Shaded Brook Drive, 11107 Hidden Trail Drive
Location of Sign: West side of Hidden Trail Drive
in front of subject property
Remarks: _____
Posted by: J. Robert Haines Date of return: June 1, 1990
Number of Signs: 1



Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-0016150
Number

No 3138

90-517-A

MR100103

Date: 8/08/90

	QTY	PRICE
PUBLIC HEARING FEES		
080 - POSTING SIGNS / ADVERTISING 1 X		\$113.51
TOTAL:		\$113.51
LAST NAME OF OWNER: VALLEYBROOK LTD		

04AD4#0031MCHRC
BA C00344PM08-16-90
Please make checks payable to: Baltimore County NEXT BUSINESS DAY

Cashier Validation:

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

DATE: 8-3-90



Dennis F. Rasmussen
County Executive

Valleybrook Limited Partnership
One Reservoir Circle, Suite 110
Baltimore, Maryland 21208

Re: Petition for Zoning Variance
CASE NUMBER: 90-517-A
W/S Hidden Trail Drive, 1650' E c/l of Shaded Brook Drive
11107 Hidden Trail Drive
3rd Election District - 3rd Councilmanic
Legal Owner(s): Valleybrook Limited Partnership
Contract Purchaser(s): Robert Levin

Entitlement:

Please be advised that \$ 113.51 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S)
RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.
DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY
UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set not returned.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

JRH:gs

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 27, 1990



Dennis F. Rasmussen
County Executive

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance
CASE NUMBER: 90-517-A
W/S Hidden Trail Drive, 1650' E c/l of Shaded Brook Drive
11107 Hidden Trail Drive
3rd Election District - 3rd Councilmanic
Legal Owner(s): Valleybrook Limited Partnership
Contract Purchaser(s): Robert Levin
HEARING: WEDNESDAY, AUGUST 22, 1990 at 2:00 p.m.

Variance to permit a side yard setback of 46 ft. on each side in lieu of the required 50 ft. and to amend the last approved final development plan of Valley Brook Section 2.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County

cc: Valleybrook Limited Partnership
Robert Levin

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

May 22, 1990



Dennis F. Rasmussen
County Executive

Mr. Robert Levin
3807 Thoroughbred Lane
Owings Mills, Maryland 21117

Re: CASE NUMBER: 90-517-A
ITEM NUMBER: 407
LOCATION: 11107 Hidden Trail Drive

Dear Petitioner:

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number.

Your property will be posted on or before June 6, 1990. After the closing date (June 21, 1990) for filing a request for hearing has passed, the file will be taken to the Zoning Commissioner for review. You will next receive from this office:

1) Notice that a formal request for hearing has been filed, taking the matter out of the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice.

OR

2) Notice that the matter has completed the administrative process and that you may return the sign/post and pick-up your Order.

Very truly yours,

G. G. Stephens
G. G. Stephens

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

June 26, 1990



Dennis F. Rasmussen
County Executive

Valleybrook Limited Partnership
One Reservoir Circle, Suite 100
Baltimore, Maryland 21208

Re: CASE NUMBER: 90-517-A
ITEM: 407
LOCATION: 11107 Hidden Trail Road

Dear Petitioner:

By Order of the Zoning Commissioner's Office, dated June 26, 1990, this matter can not be decided through the administrative process and must be scheduled for a public hearing.

Formal notification of the hearing date will be forwarded to you shortly. As you recall, it will now be necessary to re-post the property and run notice of the hearing in two local newspapers. You will be billed for these advertising costs.

If you have any questions, please do not hesitate to contact this office.

Very truly yours,

G. G. Stephens
G. G. Stephens
(301) 887-3331

cc: Robert Levin

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

July 9, 1990



Dennis F. Rasmussen
County Executive

NOTICE OF REASSIGNMENT

CASE NUMBER(S): 90-517-A
PETITIONER(S): Valleybrook Limited Partnership
LOCATION: 11107 Hidden Trail Drive

THE ABOVE MATTER HAS BEEN REASSIGNED. HEARING WILL NOW TAKE PLACE AS FOLLOWS:

THURSDAY, AUGUST 9, 1990 at 2:00 p.m.

IN THE BALTIMORE COUNTY OFFICE BUILDING, 111 W. CHESAPEAKE AVENUE, ROOM 106, TOWSON, MARYLAND 21204.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY

JRH:gs

cc: Valleybrook Limited Partnership
Robert Levin

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

TO: File
FROM: Ann M. Nastarowicz
Deputy Zoning Commissioner

DATE: June 26, 1990

SUBJECT: Petition for Residential Variance
W/S of Hidden Trail Drive,
1650' E of the c/l of Shaded Brook Drive
(11107 Hidden Trail Drive)
3rd Election District - 3rd Councilmanic District
Valleybrook Limited Partnership - Petitioner
Case No. 90-517-A

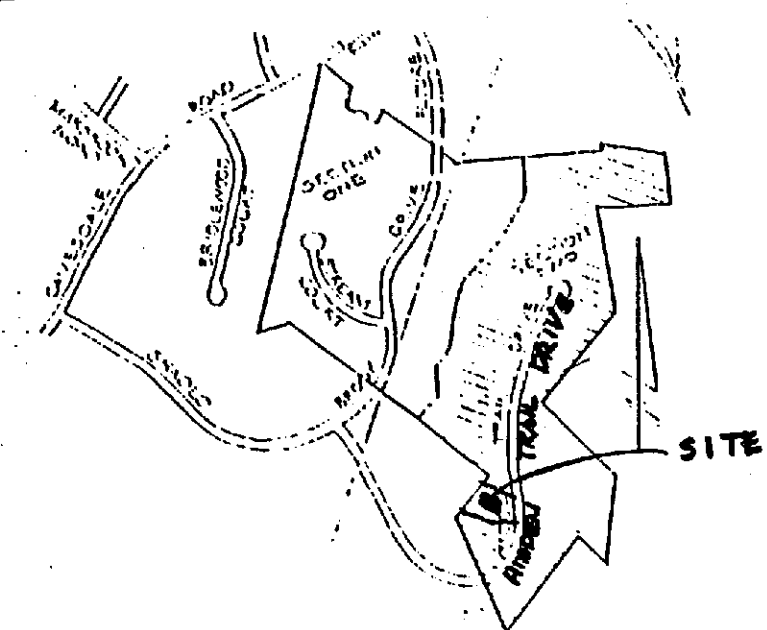
Section 22-6(b)(1) requires that the subject variance petition involve an owner-occupied lot zoned Residential. The subject case is a vacant lot and Robert Levin is Contract Purchaser and the Legal Owner is Valleybrook Limited Partnership. Requirements of Code not met and public hearing to be set in.

AMN:bjs

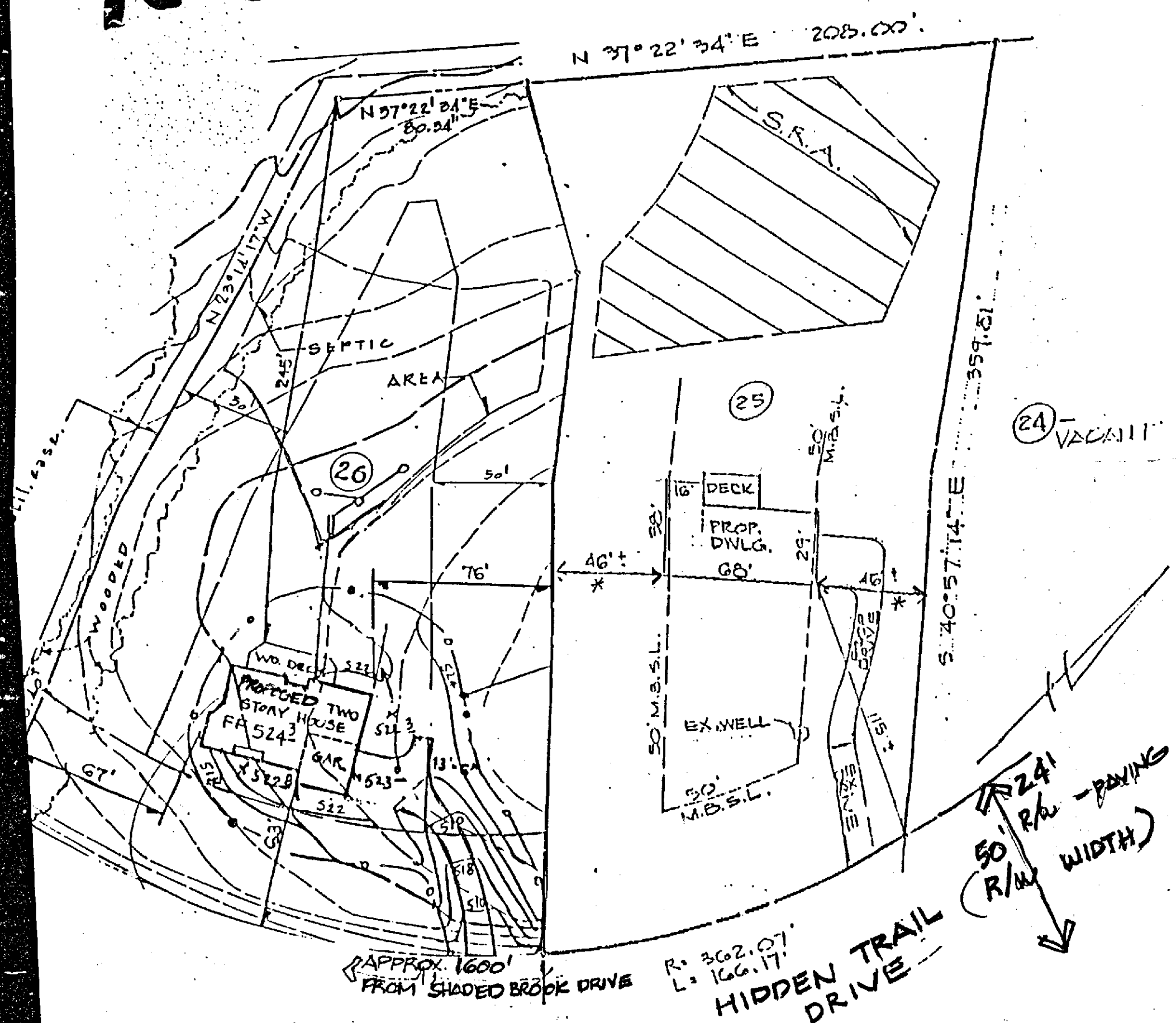
cc: Gwendolyn Stephens - Please set in for hearing as per usual.

PETITIONER'S EXHIBIT 1

90-517-A

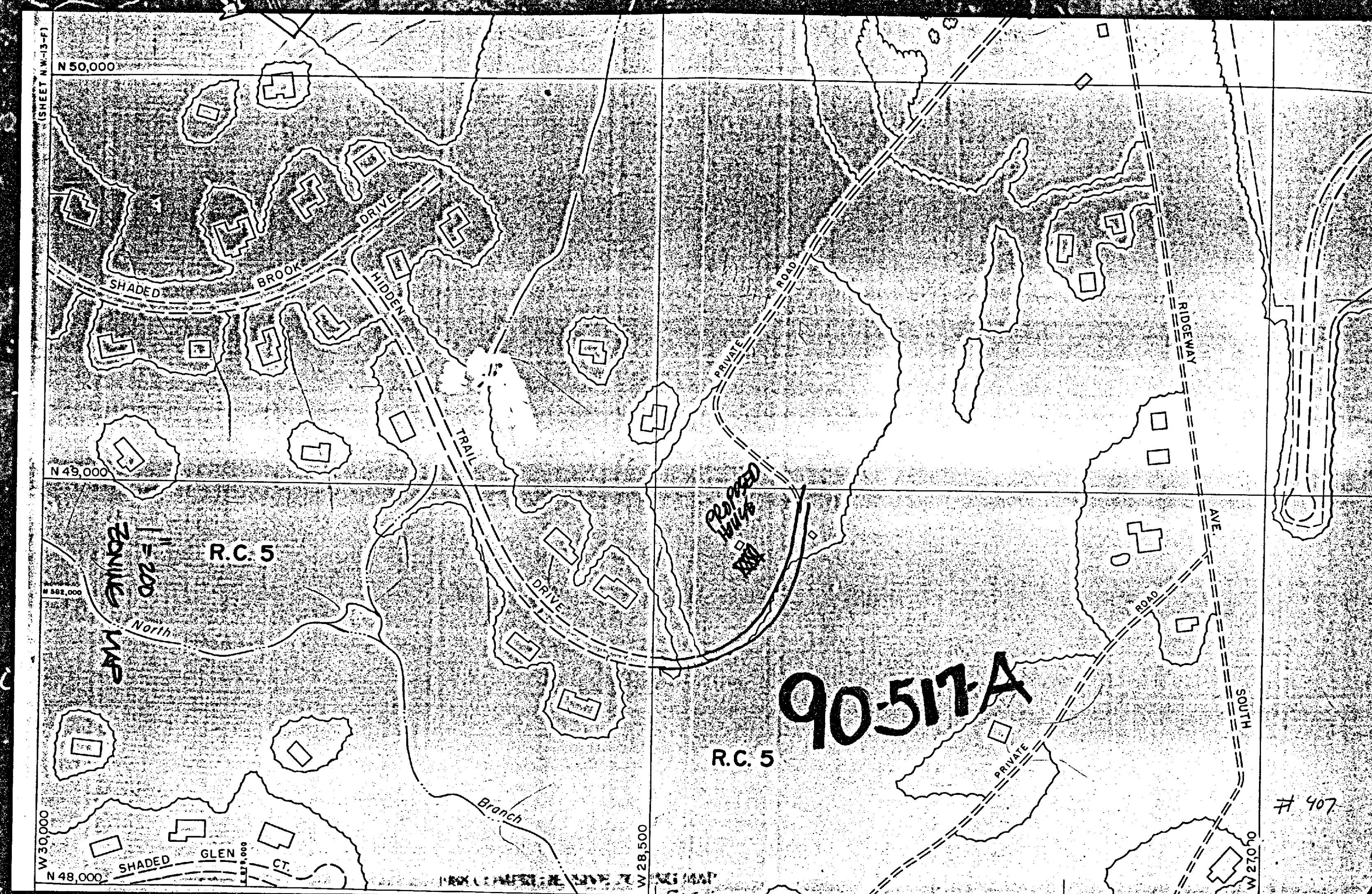


407



LOT #25 SECTION II VALLEYBROOK (56/30)
 11107 HIDDEN TRAIL DRIVE BALTIMORE COUNTY, MD. 21117
 COUNCIL DISTRICT 3RD
 ELECTION DISTRICT 3RD
 LOT SIZE 1.41 AC ±
 LOT SERVED BY WELL & SEPTIC
 ZONING: R.C.5
 1" = 200' SCALE MAP NO. - NW 13E
 PRIOR ZONING HEARINGS ON LOT: NONE

PLAT FOR ZONING VARIANCE
 SCALE 1" = 50'
 SHE IS NOT WITHIN
 CHE SAPEAK BAY CRITICAL AREA
 OWNER: VALLEY BROOK DEVELOPMENT
 CORPORATION
 CONTRACT BUYER: ROBERT LEVIN
 3807 THORNTON RD.
 LAKE OWENS MD. 21117



407

BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING PHOTOGRAPHIC MAP

PREPARED BY AIR PHOTOGRAPHICS, INC.
 MARTINSBURG, W.V. 25401

SCALE	LOCATION	SHEET
1" = 200' ±	STEVENSON	NW 13-E
DATE OF PHOTOGRAPHY JANUARY		

407

MICROFILMED